

REMARKS

The office action dated July 14 2006 (the "Office Action") has been received and noted. Claims 1-4, 7, 8, 10-16, 28 and 29 were examined. Claims 1-4, 7, 8, 10-16, 28 and 29 were rejected. Claims 1 and 14 are amended. Support for amended claims 1 and 14 can be found in, for example, paragraph [0040] and figure 7. As such, no new matter has been added. Claims 1-4, 7, 8, 10-16, 28 and 29 remain in the Application.

I. Claims Rejected Under 35 U.S.C. § 103

Claims 1-4, 7, 8, 10-16, 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of U.S. Patent No. 6,165,826 to Chau, et al. ("*Chau*"), in view of U.S. Patent Application Publication No. 2003/0025163 to Kwon ("*Kwon*"). In order to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. MPEP 2142. Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

More particularly, the references when combined do not teach or suggest all of the claim limitations of independent claims 1 and 14. Independent claims 1 and 7 include the limitation of an etch stop layer ***conformally*** disposed on the substrate on the second device exclusive of the first device. (App., claims 1 & 14) *Chau*, on the other hand, does not teach or suggest this limitation. *Kwon* does not cure this lack of teaching or suggestion because *Kwon* teaches (a) "an etch stop layer 230 . . . formed over an ***entire surface*** of the semiconductor substrate" (§ [0043]; FIG. 11) or (b) first and second insulating layer patterns 332a and 334a "formed at the (sic) ***both sides*** of the second gate electrode 306(b)" (§ [0046]-[0047]; FIGS. 12, 18-20) or (c) "first and second barrier insulation layer patterns 432a and 434a . . . cover a predetermined region of the . . . ***L-shaped*** first and second insulating patterns 414 and 416" (§ [0059]; FIGS. 21, 24). Thus, *Chau* in view of *Kwon* does not teach or suggest all of the claim limitations of independent claims 1 and 14. Dependent claims 2-4, 7, 8, 10-13, 16, 28 and 29 depend on independent claims 1 and 14 and therefore include all of their limitations. Accordingly, Applicants respectfully

submit independent claims 1 and 14 and their respective dependent claims are allowable over the references.


CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-4, 7, 8, 10-16, 28 and 29, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 500-4787.

Respectfully submitted,

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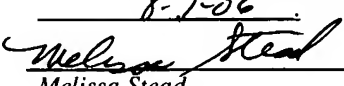
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